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FACSIMILE TRANSMISSION COVER SHEET

**TO: Examiner Humera Sheikh
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

PTO FACSIMILE NUMBER: 571-273-0125

**FROM: William E. McGowan
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Tel: (732) 524-2197**

J&J FACSIMILE NUMBER: (732) 524-2808

DATE: April 25, 2007

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 12

**COMMENTS: Re: U.S. Serial No.: 09/938,454
Our Docket No.: NEU0040USNP**

Dear Examiner Sheikh:

Attached please find the response to the Notice of Non-Compliant Amendment which was timely filed with the USPTO on August 31, 2006 as indicated by the attached Auto-Reply Facsimile Transmission.

**IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL
(732) 524-3291**

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE SOLELY TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

USPTO

8/31/2006 4:00:10 PM

PAGE

1/001

Fax Server

To-reply fax to 732 524 5889 COMPANY:



Auto-Reply Facsimile Transmission



TO:

Fax Sender at 732 524 5889

Fax Information

Date Received:

8/31/2006 3:56:26 PM [Eastern Daylight Time]

Total Pages:

10 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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APR. 25. 2007 3:56PM

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NO. 0900 P. 1

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CORPORATE HEADQUARTERS
PATENT LAW DEPARTMENT
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NEW BRUNSWICK, NEW JERSEY 08903

FACSIMILE TRANSMISSION COVER SHEET

TO: Gloria Trammell

COMPANY: USPTO

COUNTRY: USA

FACSIMILE NUMBER: 571-272-1000 or 888-217-9197 or 571-279-8308

FROM: William E. McGowan, Senior Patent Counsel

TELEPHONE NO.: (732) 524-2197

ROOM NO.: WHS235

DATE: August 31, 2006

FACSIMILE NUMBER: (732) 524-5889

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 8

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL

COMMENTS: Re: Application No. 09/939464

In reply to the Notice of Non-Compliant Amendment (37 CFR 1.121),
attached please find the Executed Amendment previously filed on
8/3/2006.

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* * * COMMUNICATION RESULT REPORT (AUG. 31. 2006 3:58PM) * * *

FAX HEADER 1: J&J LAW DEPT
FAX HEADER 2:TRANSMITTED/STORED : AUG. 31. 2006 3:56PM
FILE MODE OPTION

ADDRESS

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10/10

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION**Johnson & Johnson**CORPORATE HEADQUARTERS
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NEW BRUNSWICK, NEW JERSEY 08933**FACSIMILE TRANSMISSION COVER SHEET**

TO: Gloria Trammel

COMPANY: USPTO

COUNTRY: USA

FACSIMILE NUMBER: 571-272-1000 or 866-217-9197 or 571-273-8300

FROM: William E. McGowan, Senior Patent Counsel

TELEPHONE NO.: (732) 524-2197

ROOM NO.: WH3235

DATE: August 31, 2006

FACSIMILE NUMBER: (732) 524-5889

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 8

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL

COMMENTS: Re: Application No. 09/939454

In reply to the Notice of Non-Compliant Amendment (37 CFR 1.121),
attached please find the Executed Amendment previously filed on
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DOCKET NO. NEU-40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carol J. Collins, et al.
Serial No.: 09/938,454 Art Unit: 1615
Filed : August 24, 2001 Examiner: H. N. Sheikh
For : REDUCED WAX MASCARA COMPOSITIONS

I hereby certify that this correspondence is being facsimile transmitted
to Patent and Trademark Office. Fax No. (571) 272-1000

August 31, 2006

(Date of Deposit)

William E. McGowan

(Name of applicant, assignee, or Registered Representative)
/William E. McGowan/

(Signature)

August 31, 2006

(Date of Signature)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Notice of Non-Compliant Amendment (37 CFR 1.121)

Dear Sir:

In response to the Notice of Non-compliance sent August 14, 2006, attached please find enclosed a properly signed copy of the previously submitted response for the above referenced patent application. A copy of the Notice of Non-Compliant Amendment is also attached.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/NEU0040/WEM. This sheet is submitted in triplicate.

Respectfully submitted,

/William E. McGowan/

William E. McGowan
Reg. No. 39,301
Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2197



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,454	08/24/2001	Carol J. Collins	NEU-40	2232

2777 7590 08/14/2006
PHILIP S. JOHNSON
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ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

RECEIVED

AUG 16 2006

J&J PAT. DKT. SECTION

EXAMINER	
SHEIKH, HUMERA N	
ART UNIT	PAPER NUMBER
1615	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/938454

Applicant(s)

Examiner

Sheikh

Art Unit

16/5

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 8/3/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet, 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims) of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Heidi G. Hammel

Telephone No.

571-272-0561

Serial No. 09/838,454 Docket No. NEU0040USNP By: WEM/mu

Application of: Carol J. Collins et al. Mailed: August 1, 2006

Entitled: REDUCED WAX MASCARA COMPOSITIONS

**THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE
DATES STAMPED HEREON:**

- | | |
|---|---|
| <input type="checkbox"/> Combined Declaration & POA | <input type="checkbox"/> Drawings _____ sheets |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> MPEP 609/ _____ |
| X Response | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Fee Transmittal | <input type="checkbox"/> Brief |
| X Charge to Deposit Account 10-0750 | <input type="checkbox"/> Priority Document |
| X Amendment | <input type="checkbox"/> Status Inquiry |
| X Extension of Time (2 Months) | <input type="checkbox"/> Sequence Listings/Diskette |
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